

July 9th, 2013

*Re: New York Public Service Commission Case 13-C-0197 – Verizon New York’s filing seeking approval to substitute the “Voice Link” wireless service for landline service, ending copper wiring-based traditional telephone service at Verizon New York’s discretion*

## **Introduction**

The 134 undersigned County Executives, Legislators, Mayors, Supervisors, Councilors, et al. who represent residents and businesses in 68 municipalities in New York State (“Municipalities”) submit these comments in response to the Notice issued on May 21, 2013, by the New York Public Service Commission (“PSC” or “Commission”),<sup>1</sup> seeking comment on the tariff submitted on May 3, 2013, by Verizon New York Inc. (“Verizon”), in which Verizon seeks to offer its new wireless Voice Link service in lieu of its traditional landline service not only on Fire Island, but also more broadly throughout the State, where, in Verizon’s view, conditions so warrant. The outcome of the Commission’s investigation of Voice Link directly and significantly affects municipalities throughout the urban, suburban, and rural areas of New York State. As these comments demonstrate, it is premature to embrace Voice Link as an adequate substitute for Verizon’s wireline service. If the Commission were to grant Verizon the excessive discretion that the company seeks, that broad latitude would hamper municipalities’ ability to fulfill their public safety and economic development responsibilities. Instead, Voice Link should be considered an experimental offering to be tested thoroughly in isolated and unique situations, on a temporary basis. For the reasons discussed in these comments, Municipalities urge the Commission to reject Verizon’s proposed Voice Link tariff.

## **Background**

On May 16, 2013, the Commission issued an order in this proceeding allowing Verizon to use Voice Link service, which is a wireless service, as an alternative to basic landline service, to provide service to customers in western Fire Island.<sup>2</sup> In approving this limited use of Voice Link

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<sup>1</sup> Case 13-C-0197 – Tariff filing by Verizon New York Inc. to introduce language under which Verizon could discontinue its current wireline service offerings in a specified area and instead offer a wireless service as its sole service offering in the area, Notice Inviting Comments, issued May 21, 2013 (“Notice”), at 1.

<sup>2</sup>New York Public Service Commission Case 13-C-0197, Tariff filing by Verizon New York Inc. to introduce use of wireless technology as an alternative to repairing damaged facilities, Order Conditionally Approving Tariff Amendments in Part, Revising in Part, and Directing Further Comments, issued and effective May 16, 2013 (“Order”). The Commission indicated that “[o]n May 3, 2013, Verizon submitted certification and documentation that its western Fire Island facilities are destroyed, rendered unusable, and beyond reasonable repair,” and that the “Commission’s review of Verizon’s submission is in progress.” Notice, at 3.

service, the Commission stated: “because it is critical that service be available to Fire Island immediately, we will allow Verizon’s tariff amendment to use Voice Link in the western part of Fire Island to go into effect subject to further review, monitoring and public comment.”<sup>3</sup> In light of the fact that Hurricane Sandy occurred many months ago (in October 2012), Municipalities would have preferred that Verizon had sought regulatory approval well in advance of its May 3<sup>rd</sup> filing date with the Commission, in order to provide a less expedited review of Verizon’s Voice Link tariff. Nonetheless, Municipalities concur with the Commission’s temporary approval so that Verizon can offer telephone service to the seasonal residents and visitors who are now returning to Fire Island.<sup>4</sup> The Commission granted this authority provided that Verizon certified and demonstrated that “its wireline facilities are destroyed or beyond reasonable repair.”<sup>5</sup> The Commission limited its approval of Voice Link as a temporary solution for Fire Island to the summer of 2013. In its Notice, the Commission stated, among other things:

This notice invites comments from any interested party or person on these matters by June 18, 2013. Specifically, the issues presented include: use of Voice Link in western Fire Island, its use in other geographic areas with destroyed wireline facilities, and its use in areas based upon geographic location, availability of alternative telecommunications providers, or other Commission designated criteria.<sup>6</sup>

### **Summary of Major Concerns**

Based on Municipalities’ analysis of Verizon’s proposed tariff, we have several concerns with Verizon’s filing with the Commission, and, as a result, we urge the Commission to investigate the tariff fully through a comprehensively litigated regulatory proceeding. Furthermore, the Commission should issue an unambiguous directive to Verizon to cease and desist offering Voice Link except on a temporary basis on Fire Island.

The Commission’s investigation is essential for many reasons, among which are the following:

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<sup>3</sup> Order, at 1-2, cite omitted.

<sup>4</sup> Id.

<sup>5</sup> Notice, at 1.

<sup>6</sup> Id., at 1-2.

- Voice Link creates numerous new threats to public safety, which, in turn, would hamper municipalities’ ability to protect their communities.
- Voice Link creates an incentive for Verizon to allow its copper network to deteriorate and for it to abandon its copper outside plant prematurely. When outside plant is inadequately maintained, consumers’ safety is jeopardized

because their dial tones may not function when they need to reach emergency services.

- Voice Link does not support broadband access to the Internet, and, therefore, Verizon's new service undermines municipalities' efforts to spur economic development.
- Voice Link does not support point-of-sale transactions, and, therefore, would harm small businesses and municipalities' economy.
- Voice Link does not support LifeAlert or other monitoring services, potentially endangering members of the public who rely on these services.
- Voice Link is not available to Lifeline telephone service customers. Affordable traditional telephone service would become unavailable in any area served only by Voice Link.
- Voice Link service is not as reliable as telephone service delivered over a properly-maintained copper or fiber-optic network, since wireless signal is often weak, spotty, or overburdened by other network traffic.

**Public safety is of paramount importance to municipalities.**

A long-standing and critically important role of municipalities is to protect the public safety of their residents and businesses. Threats to public safety take many forms including such incidents as life-threatening medical conditions, domestic abuse, fires, chemical spills, terrorist threats, and extreme weather conditions. Furthermore, more than one event may occur simultaneously, creating a particularly critical need for people to be able to reach emergency services reliably and without delay, such as an elderly person having a stroke during a blizzard

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that has caused a power failure. Voice Link raises numerous threats to public safety and to municipalities' ability to fulfill their public safety obligations.<sup>7</sup>

*Voice Link is less reliable during power outages than copper-based wireline service.* Voice Link is not as reliable as is Verizon's conventional copper-based telephone service. Except in rare instances, Verizon's copper-based service continues to operate during power outages.<sup>8</sup> Consumers' ability to reach public safety is always essential and, during black-outs and other extreme weather conditions, arguably even more so. The Commission states that the Voice Link "device is equipped with a battery back-up, in case of commercial power loss," and that "[a]ccording to Verizon, available devices are equipped with rechargeable battery packs, while newer units are expected to operate on standard AA batteries."<sup>9</sup> Of course the fact that the battery packs are rechargeable is irrelevant during power outages. Finally expectations about Voice Link's *future* ability to operate with standard AA batteries should be afforded minimal weight *today* as the Commission assesses the public safety implications of Verizon's proposed Voice Link tariff.

*Voice Link is incompatible with consumers' medical and security systems.* Voice Link does not support medical alert and home security monitoring systems.<sup>10</sup> This poses serious concerns for public safety. Even if the customer has the opportunity to purchase a separate service from another provider to replace the data transmission capabilities that Voice Link lacks, the inconvenience and additional cost will pose a formidable economic barrier.

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*Information about a customer's location is not updated when a customer moves and brings the Voice Link equipment along.* Although the Commission describes Voice Link as

7 Regarding its plans for Fire Island, "Verizon indicates that it will deploy and repair copper facilities to provide landline service to firehouses, police stations, and other municipal buildings." Order, at 3, footnote 2.

Municipalities certainly appreciate Verizon's plans to deploy landline service to municipal buildings, but nonetheless are concerned that consumers' ability to reach municipal agencies and emergency services continue to be placed in jeopardy by consumers' reliance on the wireless Voice Link service.

8 If Verizon fails to maintain its outside plant properly, defective cables may not be able to withstand flooding. However, assuming Verizon proactively maintains its network, its voice service continues to operate during power outages.

9 Notice, at 2. See also Order, at 4, which states: "In case of commercial power failures, the units are equipped with a rechargeable backup battery that provides up to two hours of talk time and 36 hours of standby time."

10 Notice, at 2.

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remaining "stationary at one location in the customer's premises,"<sup>11</sup> it is Municipalities' understanding that there is no obstacle to consumers taking their Voice Link equipment to new residences if they choose to do so. A consumer who relocates and who brings the Voice Link equipment will be "bringing" the geographic location of the original Voice Link location erroneously to the new location. If the customer then calls E-9-1-1 from her new home, the 9-1-1 agency will see the prior customer's location. Further exacerbating this threat to public safety is the fact that many consumers receive paperless billing, meaning that Verizon may not be aware that its consumer has re-located.

In sharp contrast with the limited capabilities of Voice Link, with wireline service, a customer's 9-1-1 location is permanently and inalterably linked to the location to which the service is provided. Furthermore, with "conventional" mobile wireless service, a consumer's wireless phone is programmed to transmit the user's location of the nearest cell tower. With the more limited wireless capability of Voice Link, such information will not be communicated.

*Voice Link also does not support any other data communications capabilities, including fax machines and point-of-sale devices.* Voice Link also does not support fax transmissions,<sup>12</sup> which residents and businesses routinely depend on for fast delivery of documents. As discussed in more detail below, Voice Link does not support point-of-sale devices – a cornerstone of daily commercial transactions in retail businesses of all sizes.

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*Voice Link creates an additional economic incentive for Verizon to allow its outside plant to deteriorate, and during that period of infrastructure neglect, public safety is placed in jeopardy.* If approved, Verizon's proposed tariff would provide the company with seemingly

unfettered latitude to decide to deploy Voice Link rather than to maintain and repair its copper plant. Municipalities are concerned that the proposed tariff would lead to the following scenario occurring throughout the state: Verizon allows outside plant in a particular neighborhood to deteriorate to such an extent that Verizon would then “determine” that it is more cost-effective to deploy Voice Link. Public safety then would be placed in jeopardy twice: first, during the time of neglect when dial tone reliability could be jeopardized<sup>13</sup> and then second, when Voice Link

11 Notice, at 2.

12 Order, at 6.

13 In the neighboring state of Massachusetts, responding to municipal officials’ and consumers’ concerns regarding Verizon’s quality of service in Western Massachusetts, the Massachusetts Department of Telecommunications and Cable conducted a comprehensive investigation, and pursuant to the regulatory approval of a settlement, Verizon Massachusetts has surveyed and repaired outside plant in rural communities in Western Massachusetts. See, Massachusetts D.T.C. 09-1, Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to General Law Chapter 159, Section 16, of the telephone service quality of Verizon New England Inc.,

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service is deployed. During these years of technological transition, the Commission should monitor carefully Verizon’s investment in maintaining its copper outside plant so that Verizon, through neglect of its existing infrastructure, does not implicitly force consumers to “choose” Voice Link. Municipalities do not oppose migrations to new technological platforms, but the transition should be managed in such a way as to prevent unnecessary threats to public safety, raise prices for broadband services, and cut off various services such as LifeAlert and credit-card processing. Our telecommunications infrastructure should not diminish municipalities’ ability to protect their citizens.

**Unlike Verizon’s wireline voice services, Voice Link does not support broadband access to the Internet, and therefore its deployment undermines communities’ economic development goals.**

Municipalities oppose the widespread use of Voice Link, because it would diminish businesses’ options for obtaining broadband access to the Internet. Voice Link is not compatible with digital subscriber line (“DSL”) service.<sup>14</sup> Yet businesses’ and residents’ ability to connect with broadband services to the Internet is essential for economic development in today’s information age.<sup>15</sup>

The Commission observes that: “In lieu of making repairs to wired facilities, Verizon is enhancing the wireless capability on Fire Island, from which residents and visitors to Fire Island will no doubt benefit, including use of wireless broadband in place of DSL.”<sup>16</sup> Municipalities welcome Verizon’s efforts to enhance its wireless capabilities on Fire Island and throughout New York but do have several concerns with Verizon’s seeming attempt to force consumers to migrate to wireless broadband offerings. First, the Commission does not oversee the rates for wireless Internet access services, yet the industry is highly concentrated, meaning that municipalities

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d/b/a Verizon Massachusetts, in Berkshire, Hampden, Hampshire, and Franklin Counties, Order on Joint Motion for Approval of Settlement, February 10, 2011. See also, Settlement Agreement by and among the Office of the Attorney General of Massachusetts, Verizon New England Inc., d/b/a Verizon Massachusetts, Local 2324,

International Brotherhood of Electrical Workers, AFL-CIO and the Towns of Hancock, Egremont and Leverett, November 30, 2010.

14 Notice, at 2.

15 See, e.g., FCC's "Connecting America: the National Broadband Plan" (2010), at xi, 193-194, and 265-276.

16 Order, at 7.

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cannot rely on market forces to yield affordable rates.<sup>17</sup> Wireless alternatives are more expensive than wireline services, and there is negligible competitive pressure to cause Verizon Wireless to offer reasonable rates for wireless service. Second, unlike DSL, FiOS, and cable-based broadband alternatives, the usage for wireless broadband service is metered, and when consumers exceed a usage cap, they must pay high rates for the above-cap usage (and this is in addition to monthly rates that are already high).<sup>18</sup> Where Verizon exits the wireline broadband market, those municipalities will have at best one wireline broadband option – the cable company's offering. Our residents and businesses should not be subjected to monopoly pricing and service quality for wireline broadband service. Some of us represent areas where there is no cable company – and DSL is the only reliable broadband service. Our residents and businesses are especially dependent on the traditional telephone network.

**Businesses rely on point-of-sale transactions and yet Voice Link does not support credit card transactions.**

Voice Link deployment will also harm economic development in municipalities because many businesses rely on point-of-sale transactions, which Voice Link does not support.<sup>19</sup>

The Commission states the following in its Order:

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17 The major nationwide wireless carriers serving consumers in New York include AT&T Wireless, Sprint, T-Mobile and Verizon. The FCC estimates that these four nationwide carriers served over 90 percent of the subscribers in the United States (with AT&T Wireless and Verizon Wireless serving 64 percent of subscribers). *In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Mobile Wireless, Including Commercial Mobile Services*, WT Docket No. 11-186 (Terminated), *Sixteenth Report*, rel. March 21, 2013, at para. 8. (On November 16, 2012, SoftBank Corp. ("SoftBank"), its indirect United States subsidiary Starburst II, Inc. ("Starburst II"), and Sprint Nextel Corporation ("Sprint") submitted their applications to the FCC pursuant to sections 214 and 310(d) of the Communications Act of 1934, as amended and sections 34-49 of the Submarine Cable Landing Act, seeking the Commission's approval of the transfer of control of various licenses, leases, and authority now held by Sprint and its subsidiaries and by Clearwire Corporation ("Clearwire") to SoftBank and Starburst II. The proposed transaction is under review. Public Notice DA 12-1924, SoftBank and Sprint Seek FCC Consent to the Transfer of Control of Various Licenses, Leases, and Authorizations from Sprint to SoftBank, and to the Grant of a Declaratory Ruling Under Section 310(B)(4) of the Communications Act, IB Docket No. 12-343, November 30, 2012.)

18 In Pennsylvania, in response to consumers' request for broadband service, Verizon offered 4G LTE rather than the DSL that consumers had anticipated receiving. In contrast with DSL service, 4G LTE has data caps and therefore is a more expensive way to obtain broadband access to the Internet. *Petition of David K. Ebersole, Jr. and the Office of Consumer Advocate for a Declaratory Order*, Pennsylvania PUC P-2012-2323362, *Final Order*, February 28, 2013; *Petition of David K. Ebersole, Jr. and the Office of Consumer Advocate for a Declaratory Order*, Pennsylvania PUC P-2012-2323362, *Dissenting Statement of Commissioner James H. Cawley*, February 28, 2013.

The company submits (although not reflected in the tariff amendment) that Voice Link will be available to business customers as well as residential customers. Multi-line service will also be available for businesses, and Verizon Wireless will make available wireless data services and devices to support point-of-sale credit card processing and similar data functionalities required by small businesses.<sup>20</sup>

Municipalities are unaware of any tests of these alternative devices nor are we aware of the rates that Verizon would charge for such devices. Until complete information is available about the key attributes of these alternative devices, including but not limited to their reliability, ease of use, security, and prices, Municipalities are concerned about the impact of Voice Link on small businesses' ability to operate effectively. On Fire Island, according to media reports, businesses that need credit card processing to survive still do not have these capabilities available to them.

### **Wireless service quality is insufficient and the State has no service quality standards in place**

New York State deregulated wireless service in 1997 and the Commission does not exert any regulatory authority over wireless service. Traditional telephone service, in contrast, is regulated. Verizon must meet requirements including making timely repairs on out-of-service lines, static and signal quality, and call center holding times. Wireless service, in contrast, is often unreliable. Dropped calls, static and other problems are common. As wireless technology develops, service quality may improve. At this time, wireless service quality is inferior to properly maintained landline telephone service.<sup>21</sup>

### **Telephone service is a basic utility service that should be available and affordable, yet Voice Link will not be offered to Lifeline customers**

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Hundreds of thousands of indigent New Yorkers depend on Lifeline telephone service. Verizon will not offer Lifeline service over Voice Link. Municipalities are concerned that our residents who cannot afford full price will lose job opportunities and access to civic services. Telephone service – and increasingly internet service – is a utility service that should be affordable. Instead, Voice Link will lead to much higher prices for customers who rely on

19 Notice, at 2.

20 Order, at 5.

21 We note Verizon has repeatedly violated its service quality requirements, leading to Commission fines even after the Commission relaxed service quality requirements. The Commission should enforce service quality requirements. Nonetheless, landline service quality is typically much higher than wireless service quality; dropped calls, static and other problems on the telephone network are still comparatively rare.

Lifeline telephone service. As explained above, broadband service will also become more expensive.

### **Conclusion**

The Commission stated that “[it] has been the Commission’s policy that utilities determine how to provision service via any combination of facilities - wires, fiber optics,

electronics - so long as the tariffed service meets the Commission's prescribed rules and customer expectations."<sup>22</sup> Voice Link, as currently offered, does not meet Municipalities' expectations. Instead, Voice Link would jeopardize municipalities' ability to fulfill their responsibility to protect the safety of the citizens who reside and work in their communities. Voice Link would raise the cost of businesses seeking to complete point-of-sale transactions. The broad and significant implications of Verizon's proposed tariff warrant a full investigation. New technology should be deployed *after* solutions are found, not before. Municipalities urge the Commission to develop a full factual record and to offer interested stakeholders the opportunity to participate fully in this important proceeding. Municipalities rely on the Commission to guide the evolution of the state's telecommunications infrastructure in a manner that protects citizens' safety and promotes economic development.

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<sup>22</sup> Order, at 6, cite omitted.

Signed,

Christopher Higgins - Albany County Legislature, 5th District  
Paul Whitford - City Council, Ward 6, City of Jamestown  
Mark Manna - Council Member, Town of Amherst  
George Mansfield - City Council, City of Beacon, At Large  
Rich Schaffer – Supervisor, Town of Babylon  
Daniel B. Kujawinski - Councilmember, Town of Brant, NY  
John Padlo - Cattaraugus County Legislator, District 10  
Don Barber - Supervisor, Town of Caroline  
James Rogowski - Councilmember, Cheektowaga, At Large,  
Manny Falcone - Supervisor, Town of Geddes  
Don Moore - Common Council President, Hudson, NY  
William Al Loeb - Warren County Board of Supervisors, Glens Falls, Ward 4  
MaryJane Shimsky - Westchester County Legislator, 12th District  
William Reinhardt - Bethlehem Town Board  
Paul Feiner – Supervisor, Town of Greenburgh  
Ken Jenkins - Chairman, Westchester County Board of Legislators  
Paulette Renaldo - Councilmember, Brant NY Jeffrey  
A. Genzel - Councilman, Town of Boston  
Jo-Ann Dyckman - Town Clerk, Town of Cortlandt  
Jim McDonnell - Councilman, Stony Point  
Tim Nichols - Albany County Legislator, 19th District, Latham, NY  
Gregory P. Rabb - President, Jamestown City Council  
Lucille M Mcknight - Albany County Legislator, 2nd District  
Thomas E. Wood Jr. - Town Council, Town of Plattsburgh  
Jim Chamberlain - Ward 5 Councilor, City of Oneida  
Keith Ahlstrom - Chautauqua County Legislator, District One  
Eric Schultz - Southampton Town Trustee  
John Kirkpatrick – Councilman, White Plains  
William J. Rivera - Councilmember, Dunkirk, 2nd Ward

Marie Carrubba - City Council Member, Jamestown, 4th Ward  
Richard Skoda - Town Council Member, Town of Taghkanic Owen  
Steed - County Legislator, Niagara, 4th District  
Nader Maroun - Common Councilor, City of Syracuse,  
Honorable James R. Doxsey - County Legislator, Dutchess, District 1  
Thomas S. DeJoe - County Legislator, Chautauqua, District 23  
Robert J Meelan - Supervisor, Town of Kirkland  
Patricia Leary - Councilwoman, Town of Ithaca Isidro  
Cancel - Councilman, Town of Haverstraw  
Dennis Virtuoso - Niagara County Legislator, 4th District  
Rufus Joe Deyo - Councilman, Beekmantown  
Gloria Fried - Receiver of Taxes, Town of Ossining  
William W. Moehle - Supervisor, Town of Brighton, Monroe County

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<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={BAB96917-F6D1-43D4-A0AD-24A25EEDB9B7}>

Re: Case 13-C-0197, Tariff filing by Verizon New York Inc. to introduce language under which Verizon could discontinue its current wireline service offerings in a specified area and instead offer wireless service as its sole offering in the area.

Dear Secretary Cohen:

As Suffolk County first responders responsible for the health, safety, and welfare of the resident and visitors in our respective cities and towns ("First Responders"), we are writing to express our strong opposition to the tariff, now under review by the New York Public Service Commission ("PSC" or "Commission"), which would permit Verizon to provide customers a wireless service "as its sole service offering," allowing Verizon New York Inc. ("Verizon" or "Company") to abandon wired service throughout an area. The wireless service that Verizon has installed to serve customers on the western portion of Fire Island and that it seeks authorization to provide virtually anywhere in New York State is called "Voice Link."

First Responders have the following specific concerns with Voice Link service:

- Voice Link will be less reliable than properly maintained wired facilities. Coverage is inconsistent from location to location, and calls are more likely to be blocked or dropped due to poor signal strength or at times of high usage.
- Voice Link is less reliable during power outages than Verizon's conventional copper-based wired telephone service. With Verizon's wired service, even when power is lost, the phone continues to work. With Voice Link, the customer depends on the short-term battery life of the home-based unit; when that is used up, the connection is lost. Access to First Responders over the telephone network is all the more important when citizens are in the dark and more vulnerable.

- Whether or not there is power, the reliability of wireless communication is often impaired during emergencies, when there is a spike in call volume. The Chief of the Fair Harbor Fire Department spoke from experience when he noted “During area-wide emergencies overloading of wireless systems has caused lapses in or complete lack of services” and also that “[d]uring major emergencies wireless service has been purposely suspended by wireless providers.” Letter to the PSC from Scott Cherveney, Chief, Fair Harbor Fire Department, June 1, 2013.
- Voice Link is incompatible with consumers’ medical and security systems. This makes customers even more dependent on their phones to be able to contact first responders directly.
- The customer location information programmed into the Voice Link unit becomes unreliable if the customer that relocates to a different location and brings along the Voice Link unit. First Responders cannot help a person in a life-threatening situation if they show up at the wrong

location. The customer’s relocation is likely to be unnoticed by Verizon, since no formal “change of address” is required due to the prevalence of paperless billing.

- By contrast, with wireline telephone, a customer’s 9-1-1 location is permanently and inalterably linked to the location to which the service is provided. Even “conventional” mobile wireless service is more reliable than Voice Link in providing customer location than Voice Link (since a consumer’s wireless phone is programmed to transmit the user’s location of the nearest cell tower). With Voice Link equipment, there is no automatic updating of location information when the unit is moved.
- Verizon’s most recent “Revised Terms of Service” (filed June 12, 2013) has an entire section – containing five distinct disclaimers – regarding “Limitations on 911 Emergency Services.” In addition to the limitations discussed above, the Terms of Service warn the customer that “using the Service may be subject to network congestion and/or reduced routing or processing speed.”

In addition to the disclaimers in its Terms of Service, Verizon implicitly has acknowledged the limitations of Voice Link when it assured the PSC that will restore wired service “on an as-needed basis” to firehouses, police stations, and other municipal buildings. For people with emergencies to get help, they need a reliable connection on their end of the call – not just at the receiving end.

Beyond the current VoiceLink tariff filing, we urge the PSC to prevent Verizon from abandoning copper network service to the facilities that First Responders need to provide service during disasters. Collectively, we need secure back-up forms of communication. Wireline service that carries auxiliary power – as Verizon’s current network does – and that allows our facilities to securely communicate during a power blackout is important to protecting the public’s safety in a disaster.

Finally, we echo the sentiments of the Fire Chief of Fair Harbor on Fire Island, who has told the Commission, “There is no doubt that the replacement of permanent land lines with a wireless service will compromise [communication of emergencies] and thus the safety and lives of our residents.” Voice Link wireless service will harm the integrity of critical public safety functions and thus endanger the health and safety of residents throughout our communities.

Sincerely,

Miguel A. Moreno

Firefighter

North Babylon, NY., North Babylon  
Fire Company

Frank Scibilia

Secretary

Brookhaven Town Fire Chiefs Cou

Frank Scibilia Safety Officer Mastic Fire Department  
Irene Bodkin Training Chief and Safety Officer Ocean Bay Park Volunteer Fire Department  
Francis Bodkin Secretary and Ex Chief Ocean Bay Park Fire Department William Peters Jr.  
Commissioner Yaphank Fire Department Michael Horton Chief Ocean  
Bay Park Fire Department Christopher Austin Chief Yaphank Fire Department  
Donald P Clark Fire Marshal Rocky Point Fire Department Robert Bragg  
Chief Point O" Woods Fire Company Joseph Palasek Ex-chief  
Rocky Point Fire Department Eugene Petricevich Commissioner Brookhaven Fire District  
Edward J. Corrigan Firefighter North Patchogue Fire Department  
Rudy Sunderman Commissioner Mastic Fire District  
William F. Murray Commissioner Bay Shore Fire Department Donald Kern  
Warden Blue Point Fire Department Robert Ubaldo Ex-Chief  
Mastic Beach Fire Department

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From: Robert Cox <rlc123@optonline.net>  
To: secretary@dps.ny.gov  
Date: 07/01/2013 01:39 PM

Subject: Verizon Voice Link Case 13-C-0197.

Jeffrey C. Cohen, Acting Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York  
12223-1350;

RE: Verizon Voice Link Case 13-C-0197.

Dear Secretary Cohen;

I am writing on behalf of the residents of the Inc. Village of Saltaire to express our strenuous opposition to the proposal by Verizon to permanently abandon its land line services that provide the sole wired telecommunication services to our Village located on western Fire Island.

Since before the onset of Super Storm Sandy, we have been on record with the PSC seeking redress for the failures in service quality and the significant shortcomings in network reliability

of the Verizon service to the residents of our community. Clearly the damage done by the storm created a situation that required a combination of short-term and longer term solutions. We have had many conversations with PSC staff and Verizon executives as we sought a pragmatic resolution to our serious concerns. These concerns were first focused on the restoration of service levels necessary to provide essential municipal services and, more particularly, service to our fire and medical emergency services personnel and first responders. Following that we turned to the restoration of essential telecommunication services to our businesses and residents at levels that delivered comparable services, reliability and costs that approximated what was provided prior to the storm.

Very early on in our conversations, we were advised that in order to provide any service at all on time for the return of the seasonal residents, Verizon would have to rely on a wireless technology in lieu of replacing miles of damaged copper lines. We understood that this solution was a short term solution and that a more robust solution would follow. This service was represented to us to be technologically sound and in use elsewhere within the Verizon service network. However, the Voice Link service would not and could not deliver equivalent service capabilities. Specifically, the Voice Link service was not capable of delivering data transmission. In 21st century America this is a shortcoming that leaves residents, businesses and municipal service providers severely compromised.

In recognition of this fact several commitments were made by Verizon executives. First, they committed to seek to continue to repair the approximately 30% of customers who continued to have working copper line service to their homes or places of business. In the event that the field service technicians determined that it would be impossible to repair the existing lines,

then, and only then, would those customers be directed to the installation of the Voice Link alternative. Second, in recognition of the shortcomings in service capabilities with Voice Link they committed to have a hard wired service option installed in the Village Hall and Fire Company. This was to be completed by Memorial Day- the traditional mark of the beginning of the summer season and the return of many seasonal village residents. Third, they represented that the capacity of residents to receive wireless signals would be enhanced by the installation of an antenna system throughout the village to supplement the inferior signal strength that was currently available in the Village. Finally, we were advised that the cost for the Voice Link service would be comparable to the prior land line costs and that financial credits would be provided to help offset the new, incremental costs of data plans.

We are disappointed to report that Verizon has not delivered on all of these commitments. While they have installed an antenna system in the village and thereby improved signal strength, the location of these antenna poles have riled the community. One was placed in an undeveloped wetlands area providing an unsightly intrusion to a nature preserve. Two were placed directly in front of waterfront homes marring a previously unfettered view of the Great South Bay.

With regard to the repair and maintenance of service to customers with working copper lines, we have been advised by many such residents that the Verizon technicians in the field have now been directed to no longer make any effort to repair lines and instead to immediately direct such customers to the Voice Link option.

With regard to the installation of a wired service line to our municipal offices and fire company by Memorial Day, Verizon failed to meet that committed date. It was only several weeks thereafter that service was established.

Finally, with regard to cost, the Voice Link service costs have been found to be in excess of prior local land line costs and much more so when you factor in the difference in cost between the DSL service offering available through the copper line network and the wireless data plan alternatives.

It is clear from the many comments and documents that have been submitted by interested parties in this matter, that Verizon has been actively planning for quite some time to abandon the copper line network that has been the backbone of its service delivery capabilities. While Sandy certainly damaged some infrastructure, this infrastructure was not being adequately maintained or invested in properly even before the storm- because it was not part of the Verizon long term plan. Rural and isolated communities such as the Village of Saltaire have relied on the protections provided by the PCS to ensure access to reliable telecommunication services. Verizon accepted certain obligations in exchange for the right to provide telecommunication services to all the residents of the State of New York- not only those in areas of such density of population that they provide sufficient revenue to justify investment. These services are essential not only to the basic quality of life of the residents, but also to the ability of municipalities to provide essential services and to protect the health and safety of its residents. These basic needs are not met with the Voice Link product.

On behalf of the residents on our Village and for the other communities on western Fire Island, I implore you to deny this application.

Sincerely

Robert L. Cox III  
Mayor, Inc. Village of Saltaire

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## FAIR HARBOR FIRE DISTRICT BOARD OF FIRE COMMISSIONERS

FAIR HARBOFIRE ISLAND, NEW YORK

RECEIVED PUBLIC SERVICE COMMISSION EXEC·FILESALBANY

2013 JUL -1 PH 3: -.2

Phone: 631 583-8546

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PO Box 5492

Bay Shore, NY 11706-0346 fhfdcom@gmail.com

June 27, 2013

Honorable Jeffrey C. Cohen, Acting Secretary  
New York State Public Service Commission  
Three Empire State Plaza  
Albany, New York 12223-1350

RE: Verizon Voice Link on Fire Island

Dear Mr. Cohen:

We, the members of the Board of Commissioners for the Fair Harbor Fire District-- which covers Fair Harbor, Dunewood and Lonelyville, are greatly concerned about the recent changes to our phone and internet service that Verizon is requesting. The safety of our constituents here on Fire Island will be endangered if the Public Service Commission allows the changes to occur.

The Board of Fire Commissioners is responsible for overseeing our fire department and its Emergency Medical Service unit in its mission to protect the lives and property of our residents and visitors. That mission is directly threatened by the proposed changes to an important public utility.

As you know, Fire Island is a barrier beach located six miles out in the Atlantic Ocean off the southern coast of Long Island in Suffolk County. It is a popular destination for vacationers and summer homes. This means that in the summer months our population soars into the thousands with the influx of visitors to the beach and the National Seashore.

What you may not know is that there are approximately 650 residential structures within the single square mile which comprises FHFDD and its protection district. These are one- or two-story wood frame houses built on small lots and in a close proximity to each other. In most cases, the streets are plank boardwalks rather than asphalt roads. Brush and plants grow densely between structures and tend to get very dry due to harsh ocean winds. These conditions pose a high risk to the rapid spread of fire, with the potential to damage multiple structures within a single call. In addition to residences, FHFDD also protects other infrastructures, including two ferry terminals --

which would be the only way to evacuate the island during a catastrophic event -- plus additional utility buildings and the small commercial area and marina. Our EMS unit averages 40 to 50 calls in the summer months, most of which result in transport off the island to a local hospital.

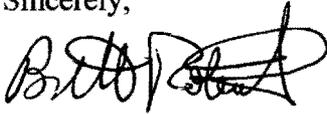
By not continuing to offer and maintain copper wires, we have no guarantees that our fire department and EMS unit will get calls for help in a timely manner. Verizon has said that the

wireless substitution for phone service will deliver emergency calls. However, unlike copper wire, Voice Link is a battery-operated system that claims to have two hours of voice time. If there is an electrical failure, residents-- many of whom are elderly or infirmed --may not be able to call for help. Verizon Home Connect, also offered to our neighbors, states in their literature that it does not support 911 directly, the hearing impaired, and those with "medical or life alert dependencies."

Verizon feels it is important to continue to supply fire houses, police, post offices and schools with copper wire service. Does this mean that they have *their* doubts about the wireless- supported Voice Link in times of emergency? Clearly copper wire and Voice Link do not offer the same level of security or service.

We ask the Public Service Commission to refuse Verizon's request for the change away from copper wire service in the interest of saving lives and property.

Sincerely,



Brett Roberts, Chairman

*IKMC*

C: Governor Andrew M. Cuomo  
Senator Charles Schumer Senator  
Kirsten Gillibrand Congressman  
Peter King State Senator Phil  
Boyle  
State Assemblyman Andrew R. Garbarino

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EILEEN O'NEIL, Ed.D, R.N.  
Deputy Commissioner

2013 JUN -1 PH

6 Peter Cooper Road  
Apt. M-B  
New York,  
N.Y.10010 (212)  
228-6213

June 26, 2013

The Honorable Jeffrey Cohen  
Acting Secretary  
New York State Public Service Commission  
3 Empire Piazza  
Albany, NY 12223-1350

Re: 13-C-0197 Verizon, NY Inc

Dear Secretary Cohen:

The recent decision by Verizon to discontinue copper lines to Western communities on Fire Island, specifically Fair Harbor, Dunewood and Lonelyville, and substitute wireless service "Voice Link" or "Home Link" raises serious concerns for all of us on Fire Island but most acutely the Medical district.

Our community is a multigenerational community. As you know, being an island, we have limited access transferring sick and injured patients on and off the island. During the summer months our population increases dramatically. We depend heavily on our EMS service to be alerted to an emergency and access care to that patient swiftly.

The Medical District depends heavily on our communication with our EMS to ensure life saving care to anyone who needs it.

The specific concerns of the Medical district are:

1. It is our understanding that Voice Link is not compatible with Med Alert and other medical monitoring services. We have a number of residents who use these devices, many of whom live alone and the security that they can summon help when they can't reach a phone. Currently these devices transmit directly to a 911 station and allow the patient to self report a need for help. These stations are also able to track the location the call comes from. These are essential life saving devices. And not being able to transmit an emergency call for help endangers people's safety. It will represent a different standard of service to those living on the western end of the island.
2. During a power failure the Voice Link equipment maintains a 2 hour talk time and 36 hour stand-by time on the rechargeable battery pack. The current equipment does not allow battery replacement. During a power failure, residents would be unable to notify an emergency agency or get any emergency response even though one of the main reasons for using Voice Link is 911 GPS capability. Home Connect does not have these features.

3. Overloading the wireless system during the busy summer season will compromise the reception and reliability, as often happens with other wireless services on the island.
4. During area-wide emergencies overloading of wireless systems has caused lapses in or complete lack of services.
5. During major emergencies wireless service has been intentionally suspended by wireless providers.

The Public Service Commission must seriously consider these concerns when deciding whether or not to allow wireless service be the means of communication in our communities. The health and well being of our residents and visitors are at stake.

*Eileen O'Neil*  
*Eileen*

Sincerely,

Eileen O'Neil, Deputy Commissioner  
Fair Harbor Dunewood Medical District

Cc: Chad Hume, Director of the Office of Telecommunications  
New York Public Service Commission

Tom Croci, Islip Town Supervisor

Senator Phil Boyle, New York State Senator

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COMMISSION  
EXEC-FILESALBANY

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**SUFFOLK COUNTY TREASURER**

330 CENTER DRIVE RIVERHEAD, N.Y. 11901-3311

PERSONAL & UNOFFICIAL

ANGIE M. CARPENTER COUNTY TREASURER

June 14,2013

Mr. Garry A. Brown, Chairman  
Public Service Commission  
Three Empire State Plaza  
Albany, NY 12223

Dear Chairman Brown:

I am writing to request that the PSC reject Verizon's request to abandon wireline service on the "west end" of Fire Island and replace it with a service they call Voice Link.

The impact on this community of residents and the hundreds of thousands of visitors during the summer season will be devastating on many fronts. To use Super Storm Sandy, an unprecedented storm which decimated sections of New York and New Jersey, as an excuse to force the residents of Fire Island off traditional landline service onto wireless is unconscionable.

UPA had crews working all over Fire Island and restored power to everyone within two weeks, but Verizon did very little. It appears that this might be a strategy to force Verizon's customers away from the protection of tariffed services, which holds them accountable to the PSC and off into the unregulated wireless arena.

A move like this would most definitely compromise public safety and emergency services, put an undue burden on the local municipalities and threaten to damage and undermine an already compromised quality of life for the residents and visitors, and further erode the fragile economic climate for the businesses on the Island.

Again, I respectfully request that you wholeheartedly reject Verizon's request to abandon basic landline service. Thank you for your consideration.

Sincerely  
*v: J*



**An**M. Carpenter  
Suffolk County Treasurer

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***BROOKHAVEN  
TOWN FIRE  
CHIEFS  
COUNCIL***



*Hon. Jeffrey Cohen*

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Past Presidents

***Acting Secretary to the Public Service Commission  
Empire State Plaza -Agency Building #3***

John DeVito	2011-2012
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Chris Solimine	2009-2010
Mike Barry	2008-2009
Bob Wallace	2007-2008
John DeLong	2006-2007
Rudy Sunderman Jr.	2005-2006
StanLenz	2004-2005
Jack Blaum Jr.	2003-2004
Scott Thebold	2002-2003
Joe Spain	2001-2002
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Rex Heinz	1964-1965
Jack Austin	1963-1964
Walter Skidmore	1962-1963
Jack Blaum Sr.	1961-1962
Albert Roth	1960-1961
Harold Lyons	1959-1960
Tom Totten	1958-1959
Charles Miller	1956-1958

***Albany, New York 12223-0350***

***Acting Secretary Cohen,***

***The Brookhaven Town Fire Chiefs Council is an organization whose membership consists of every active Chief and the Ex-Chiefs of the 39 fire departments and fire companies in Brookhaven Town, the largest township in New York State. The concern of this organization is to collectively promote and enhance the effectiveness of our responses to the calls of the residents of our respective districts.***

***A major concern of ours is a situation that is ongoing on Fire Island. The copper wires that used to supply phone service to the communities that exist there, were destroyed during the Super Storm. It is factual that power was restored to the residents after inspections were completed to check for salt water damage. Why haven't the efforts to restore the copper wire phone service been as timely?***

***Without a copper wire phone service, a service that still functions even during a power failure, how can we insure that the residents can call for help? How will they call for the lifesaving services that are provided by the fire and EMS units of Fire Island?***

***The Public Service Commission mandates that the copper system be rebuilt. A Wi-Fi service, though convenient with all of the mobile devices that are now available, cannot replace the tried and true copper land line system. During the summer on Fire Island, a common event is the loss of power. Standard practices mandate that the fire department respond to commercial areas and the ferry docks to provide lighting. Imagine the resident, without a functioning copper wire land line, who now has no way of calling for assistance. This scenario can happen. This can also be prevented.***

***The corporate desire for greater profit cannot be made at the expense of the safety of the residents of Fire Island. Please step in and correct this situation at the PSC before it gets out of hand.***

***Thank you an advance for anything that you can do for us and feel free to contact me anytime on my cell at 631-872-8911***

***Respectfully,***

***John Cronin***

***John Cronin, President  
Brookhaven Town Fire Chiefs Council***

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DEBORAH J. GLICK Assemblymember 66<sup>th</sup> District New York County

June 5, 2013

**Wireless  
Internet Service**

CHAIR  
Higher Education Committee

COMMITTEES Environmental Conservation Rules  
Ways & Means  
Governmental Operations

Jeffrey Cohen Deputy for Policy & Legal Affairs  
New York State Department of Public Service  
3 Empire State Plaza  
Albany, New York 12223-1350

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Dear Mr. Cohen,

As you are aware, telecommunications is more than a commodity for New York State residents. It is a necessity. Thus you can understand my profound concern regarding Verizon's plan to force customers in non-FiOs areas to switch to its wireless VoiceLink service.

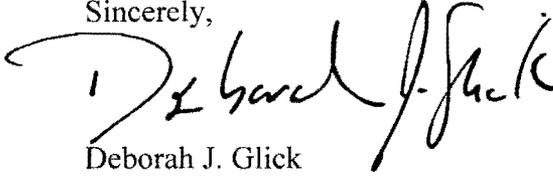
Customers forced into this contract will not be able to obtain broadband DSL service. As a result they will have to pay by the quantity for wireless downloads. This is a particular problem for merchants, who use broad band to verify credit card sales or who provide free Wi-Fi for customers. Moreover, the uneven service quality of wireless networks raises great concern for public safety. Unlike copper lines, wireless service is prone to disruption and spotty coverage. In cases of emergency this becomes especially worrisome as customers depend on phone and computer connectivity for their survival. We cannot, therefore, allow the profitability of Verizon to supersede the needs of residents and businesses. Particularly in light of the recent power outages and disaster situations in New York State, citizens should not be obligated to switch to these less reliable networks.

In addition, I support my colleague Assemblymember Brennan's legislation to place a moratorium on Verizon's plan forcing customers into FiOS service and I urge you to withhold abandoning all copper line networks. These decisions have broad public impact for all of New York State telecommunications and must be reviewed with

extreme care. I therefore respectfully ask that you consider my reservations.

Thank you for your attention to this matter.

Sincerely,



Deborah J. Glick  
Assemblymember

Ef

0 DISTRICT OFFICE: 853 Broadway, Suite 1518, New York, New York 10003-4703 • 212-674-5153 • FAX: 212-674-5530  
1: ALBANY OFFICE: Room 717, Legislative Office Building, Albany, New York 12248 • 518-455-4841 • FAX: 518-455-4649

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RECEIVED  
PUBLIC SERVICE  
COMMISSION  
EXEC-FILESALBANY

FAIR HARBOR FIRE DEPARTMENT  
Serving Fair Harbor, Dunewood & Lonelyville  
Founded 1931

2013 JUN 10

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June 1, 2013

The Honorable Jeffrey Cohen  
Acting Secretary  
New York State Public Service Commission  
3 Empire Plaza

Albany, NY 12223-1350

Re: 13-C-0197 Verizon New York Inc.

Dear Secretary Cohen:

The recent decision for Verizon to discontinue copper land lines to the communities on Western Fire Island, specifically the communities of Dunewood, Fair Harbor and Lonelyville, and substitute wireless services – Voice Link or Home Connect -- is of great concern to the Fair Harbor Fire Department that provides year-round EMS and fire suppression services to the residents of those three communities. Simply put, this proposal puts our residents and their property at risk.

Our communities are isolated on a barrier island with very limited vehicular access. As a result, transport times for sick or injured patients are already much longer than we would like. In addition, homes on the island are of wood frame construction and are in extremely close proximity to each other with an extensive volume of combustible material present. Accordingly, time, speed and reliable communication are of the utmost importance for our Department to effectively respond to emergencies.

There is no doubt that the replacement of permanent land lines with a wireless service will **compromise this communication and thus the safety and lives of our residents.**

The following are our specific concerns:

- During a power failure The Voice Link equipment maintains a 2-hour talk time and 36-hour stand-by time on the rechargeable battery pack. The current equipment does not allow battery replacement. **During a power failure residents would be unable to notify any emergency agency or get any emergency response** even though one of the main reasons for using Voice Link is 911/GPS capability. Home Connect does not even have these capabilities.

Mailing address: PO Box 451, Ocean Beach, NY 11770

- Overloading of the wireless system during the busy summer season will compromise the reception and reliability, as regularly happens with other wireless services on the Island.
- During area-wide emergencies overloading of wireless systems has caused lapses in or complete lack of services.
- During major emergencies wireless service has been purposely suspended by wireless providers.

In addition, we have received anecdotal reports from residents that have switched over to Voice Link that the service quality is generally poor and unreliable.

It is **imperative** that the Public Service Commission seriously considers our concerns in their decision about allowing wireless service be the major means of communication in our communities.

Most sincerely,

Scott Cherveney, Fair Harbor Fire Department

SC:mf

cc: Chad Hume, Director Office of Telecommunications, New York Public Service Commission

Tom Croci, Islip Town Supervisor

Senator Phil Boyle, New York State Senator

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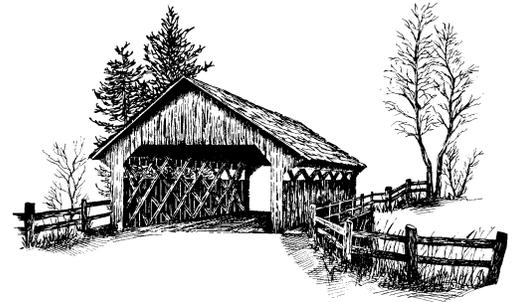
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TOWN COUNCIL

SUPERVISOR - MARK MC CARTHY COUNCILMAN - CHRISTOPHER MATHEWS COUNCILMAN - MICHAEL MULLEN COUNCILMAN - RICHARD COOMBE,  
JR. COUNCILMAN - GEORGIANNA LEPKE

May 17, 2013

**TOWN OF NEVERSINK**  
**P.O. BOX 307, 273 MAIN STREET GRAHAMSVILLE, NY 12740**  
**845-985-2262 ~ 845-985-7685**  
**FAX 845-985-7686**



Honorable Jeffrey Cohen  
Acting Secretary to the Commission  
NYS Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223-1350

Dear Mr. Cohen,

I have recently read an article in which it stated that the Public Service Commission is considering allowing Verizon to discontinue landline service in parts of NY that could affect our Township in future years. In reading Verizon's request, I have to ask myself, "Whatever happened to customer service?" It is apparent to me that profits are more important than service to many corporations in today's world. I'm old enough to remember when bank's gave away toaster's when you opened a new account and gas stations gave away drinking glasses when you filled up your tank. It is sad to say that those days are long gone and because of the consolidation of companies into mega corporations, choice is limited. When choice is limited, customer service becomes inadequate.

I am sorry that Verizon may have to spend money to restore service to the folks who were hit hardest by Superstorm Sandy. A lot of people reached into their own pockets to help those folks that were in need. Our church mission group went to the New Dorp area of Staten Island to help clean up and gut houses. I witnessed the NYCDEP restoring their infrastructure, the gas companies and electric companies doing the same. Now Verizon wants to turn their backs on these poor folks in order to maintain profits. Shameful.

TOWN COUNCIL

SUPERVISOR - MARK MC CARTHY COUNCILMAN - CHRISTOPHER MATHEWS COUNCILMAN - MICHAEL MULLEN COUNCILMAN -  
RICHARD COOMBE, JR. COUNCILMAN - GEORGIANNA LEPKE

**TOWN OF NEVERSINK**  
**P.O. BOX 307, 273 MAIN STREET GRAHAMSVILLE, NY 12740**  
**845-985-2262 ~ 845-985-7685**  
**FAX 845-985-7686**

11798

It is my wish that all members of the Public Service Commission are in unison and send a clear message to Verizon that they should restore all landline services to all areas of New York, now and in the future. If Verizon has no conscience, I ask that the Commission be one for them. All other utilities are doing the right thing and it is a shame that Verizon is trying to get out of their responsibility. It is sad that they are even asking.

Mr. Cohen, thank you for your time and consideration, and feel free to contact me at any time.

With much thanks,

Mark McCarthy, Supervisor

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**SUFFOLK  
COUNTY**



**COUNTY  
LEGISLATURE**

**THOMAS F. BARRAGA**  
LEGISLATOR, 11<sup>TH</sup> DISTRICT

187 SUNRISE HIGHWAY, SUITE C WEST ISLIP, NEW YORK 11795  
(631) 854- 4100

May  
16,2013

Hon. Jeffrey Cohen, Acting Secretary to the Commission  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223-1350

Dear Mr. Cohen,

I am writing to ask that you table the decision today on Verizon's application proposing to amend its tariff, so the company can abandon copper wire in favor of a wireless alternative, if it demonstrates that "a substantial portion of its facilities in the area is destroyed, rendered unusable or beyond reasonable repair."

After Superstorm Sandy, Verizon- the sole provider of landline and DSL service on the barrier island- implemented a wireless voice service in western Fire Island called Voice Link. It gives customers a dial tone without the company having to dig up and repair miles of storm-damaged copper wire. Residents and business owners who had Voice Link installed after Sandy say the connection is unstable and unreliable, and doesn't provide for DSL Internet or fax service.

Probably as you are aware of the state attorney general's office sent a letter to your office yesterday as well asking for you to table the decision and seek public input and review potential impacts to customers of switching to wireless. I respectfully request that you postpone your decision to ensure the safety of the residents, visitors, and business owners of Fire Island.

Very truly  
yours,

*Tom Barraga*

Thomas F.  
Barraga  
Suffolk County Legislator

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**JAMES F. BRENNAN**  
44TH ASSEMBLY DISTRICT KINGS COUNTY

THE ASSEMBLY STATE OF NEW YORK ALBANY

CHAIR COMMITTEE ON CORPORATIONS,  
AUTHORITIES, AND COMMISSIONS

COMMITTEES CODES EDUCATION  
REAL PROPERTY TAXATION

May 15, 2013

**RECEIVED**  
PUBLIC SERVICE COMMISSION

Garry A. Brown, Chairman  
New York State Public Service Commission  
Empire State Plaza  
Agency Building 3  
Albany, NY 12223

MAY 16 2013

**CHAIRMAN  
ALBANY, NY**

Re: Matter No. 13-C-0197 (Proposed Amendments to Verizon New York, Inc. TariffPSC No. 1)

Dear Chairman Brown:

I have just learned that the above-referenced matter has been placed on tomorrow's agenda of the Public Service Commission. I write to urge you and the Commission to postpone any actions on this matter until there has been a thorough and complete hearing on the many issues surrounding the request.

It is my understanding that Verizon first filed its request on May 3rd to substitute landline service with wireless service. The matter is now being placed on the May 16<sup>th</sup> agenda for approval by the Commission.

The request raises many complex issues, such as:

- I. How does the replacement of a copper-based wireline telecommunications network with a wireless system affect or impact:
  - The incumbent local exchange carrier's (ILEC) ability to provide adequate, efficient, proper, reliable, and sufficient service?
  - The ability of the ILEC to provide its customers access to service options including but not limited to Internet access?
  - The ability of businesses, including but not limited to alarm monitoring companies, home health monitoring equipment providers, to provide services to consumers and other businesses?

ROOM 422 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12248. 518 455.5377  
416 SEVENTH AVENUE, BROOKLYN, NY 11215. 718 788.7221  
1414 CORTELYOU ROAD, BROOKLYN, NY 11226. 718 940.0641  
BRENAJ@ASSEMBLY.STATE.NY.US

member

- The ability of deaf and hard-of-hearing consumers to access communications services in accordance with section ninety-one-a of the public service law?
- The ILECs' ability to provide reliable connections to public safety or law enforcement agencies during normal operating conditions? during extreme weather conditions? during power outages?

2. Does the replacement of a copper-based wireline telecommunications network with a wireless system subject affected customers to an undue or unreasonable prejudice or disadvantage in violation of the public service law?

The fourteen days (seven business days) between the initial request and commission action is clearly insufficient for interested parties, including those residents who will be impacted, to weigh in on the request. I am concerned that the Commission will be making its decision without all of the relevant facts. The Commission should take no action on this request until it has conducted a thorough and complete hearing on the issues.

James F. Brennan

5/15/13

Page 2 of 2

For the foregoing reasons, I urge you to remove the item from the May 16<sup>1</sup> agenda, and postpone any decision on the Verizon request.

Yours truly,

James F. Brennan  
Member of Assembly

cc: Jeffery Cohen

ROOM 422 LEGISLATIVE OFFICE BUILDING, ALBANY, NY 12248, 518 455.5377  
416 SEVENTH AVENUE, BROOKLYN, NY 11215, 718 788.7221  
1414 CORTELYOU ROAD, BROOKLYN, NY 11226, 718 940.0641  
BRENNAJ@ASSEMBLY.STATE.NY.US



Mayor Robert L. Cox III Trustee Bruce A Rich Trustee John A Zaccaro Jr. Trustee Alexander K. Chefetz

**INC. VILLAGE OF SALTAIRE**  
P.O. BOX 5551, BAYSHORE, NY 11706



Phone (631) 583-5566

Fax (631) 583-5986

Security: (631) 583-5572

email: office@saltaire.org

Trustee Hugh A. O'Brien

Website: [www.saltaire.org](http://www.saltaire.org)

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May 10, 2013

Honorable Jeffrey Cohen  
Acting Secretary, Public Service Commission  
State of New York  
Three Empire State Plaza  
Albany, New York 12223

Via email to secretary@dps.ny.gov and US Mail

Re: Proposed Amendments to Verizon New York Inc. Tariff PSC No. 1  
Tariff 13-C-0197  
PSC Complaint 12-02425

Dear Acting Secretary Cohen;

We have just received word that on May 3, 2013, Verizon submitted an application with the State Public Service Commission seeking to amend its existing Tariff with the State and *discontinue its obligation to provide wired landline service on Fire Island.*

In submitting this application to the PSC, Verizon asked that this change be *"allowed to go into effect on less than 30 days notice, and that the requirement of newspaper filing be waived."*

As an aggrieved party with an active complaint on file with the PSC regarding the quality of service being rendered in our community by Verizon- even before the catastrophic damage as a result of Hurricane Sandy, we would like the opportunity to have our concerns heard before the Commission as it considers this application.

The shortened time line for the effective date and the curtailment of public notification via newspaper filing can only serve to limit the opportunity for fulsome participation by interested parties.

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This is a critical issue confronting the Village of Saltaire and the broader communities of Fire

Island. Dial tone service lies at the heart of our essential municipal services capabilities, including our fire, ambulance and public safety resources. Of course this isn't meant to ignore the serious disruption and inconvenience to our residents and commercial businesses.

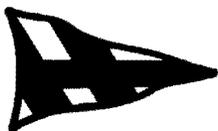
We are very aware of the extensive damage suffered by Verizon to its telephone infrastructure on Fire Island and we applaud the efforts they have undertaken in the face of tremendous obstacles to implement a working service in a very shortened time period. But the fact is that this "Voice Link" system has not yet been implemented and is not operational. While we are optimistic that it will work as planned, we will need some time before it has been adequately "stress tested" to be sure that it functions as designed.

It is our view that any approval for a modification of the original Tariff or approval of a new Tariff for the "Voice Link" service must be temporary and conditioned on this system meeting all the service quality standards that were required of Verizon under its original obligation to deliver dial tone service; and that we, representing the end-users and as an aggrieved party with an active complaint on file with the PSC, be actively involved in that determination.

We thank you for taking these views under consideration and look forward to the opportunity to participate fully in any further proceedings.

Sincerely,  
  
Robert L Cox III  
Mayor, Inc. Village of Saltaire

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NEW YORK  
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PHONE  
631-583-5660

FAX  
631-583-7326

June 29, 2013

Honorable Jeffrey Cohen

Acting Secretary, Public Service Commission  
State of New York  
Three Empire State Plaza  
Albany, New York 12223

*Via email to [secretary@dps.ny.gov](mailto:secretary@dps.ny.gov) and US Mail*

Re: Tariff Case: 13-C-0197  
Proposed Amendments to Verizon New York Inc.  
PSC NY No.1 Communications Tariff

Dear Acting Secretary Cohen,

On May 3, 2013, Verizon New York Inc. submitted an application with the State of New York Public Service Commission ("PSC") seeking to amend its existing Tariff with the State for the purpose of discontinuing its obligation to provide wired landline/wireline service offerings to selected communities, including Point O'Woods, on the western portion of Fire Island. Effective May 16, 2013, the PSC issued an Order conditionally approving Verizon's tariff amendments. This letter is in response to the Notice Inviting Comments issued by the PSC On May 21, 2013.

Notwithstanding the need for a Voice Link type of temporary communications solution for the summer season in the Fire Island communities affected by Superstorm Sandy, Verizon's tariff relief seeks permanent and broad reaching changes in delivery of its communications services to the public. Point O'Woods is opposed to Verizon's application to permanently replace its landline infrastructure on western Fire Island with its cellular based system Voice Link system. Point O'Woods Association represents more than 500 individuals who either seasonally or year round depend on Verizon's landline network to provide reliable and affordable dial tone, 911 and other critical services delivered over that network, such as DSL, for emergency, safety, and operational and business integrity.

We recognize the damage suffered by Verizon to its landline infrastructure on Fire Island due to Superstorm Sandy was extensive. However, the Voice Link solution, now in place for several months, has proven an inadequate, unreliable and costly alternative to the complete set of services previously offered through Verizon's landline network.

Specifically, our objection to a permanent Tariff amendment is based on the following:

- Voice Link exposes western Fire Island communities to loss of service in the event of power failure due to the fact that Verizon's ONLY cellular transmitter is on the Ocean Beach water tower with unreliable power backup contingencies.
- Fire and medical first responders across Fire Island have determined Voice Link to be unsatisfactory and have formally notified the PSC of this determination.
- Residents and commercial operations within Point O'Woods and neighboring communities have complained that Verizon's Voice Link phone service provides an unreliable voice connection that is unclear with a high level of regularity, plagued by echoes, connection delays, no connection (dial tone), and frequent dropped calls.
- Because Voice Link uses the cellular based COMA spectrum only, it fails to transmit data and, therefore, is incompatible with commercial and residential security alarm systems, medical emergency alert systems, credit card authorization

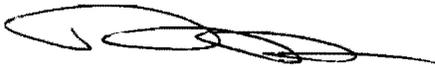
equipment and other systems that only landline (copper or fiber) networks can deliver in a reliable manner and that were provided by Verizon pursuant to their original tariff grant and prior to Superstorm Sandy.

- As is noted in the PSC Notice Inviting Comments, Voice Link fails to connect to an operator when dialing "0", requires the use of full 10 digit dialing when making local calls. Furthermore, Voice Link does not support collect calling, a feature sometimes critical in emergency situations.
- The quality of Verizon's cellular based data service, as recently experienced, varies widely across communities on Fire Island, and in particular those specifically identified in Verizon's tariff relief request.
- Verizon's Voice Link 'solution' eliminates DSL (Digital Subscriber Line) services previously provided by Verizon through its landline network. This effectively amounts to elimination of the only wired data service option available on Fire Island. Reliable, wired (copper or fiber) data service is a key component of all Fire Island community communications because of our relative isolation and the resulting lack of competition to Verizon for such landline services (cable, ATT and other landline vendors). The alternative options from Verizon or other vendors for cellular data/ internet-services are substantially more expensive than Verizon's DSL service. By forcing Voice Link on its prior landline subscribers, Verizon gains the opportunity to move its former landline customers to far more expensive data/internet access plans provided by its Verizon wireless affiliate.

A full range of robust, reliable and reasonably priced communication services are essential for any community, especially ones situated on a barrier island where the only landline provider is Verizon New York Inc. The communities of western Fire Island, including Point O'Woods, must rely upon the protection of the Public Service Commission when dealing with utilities such as Verizon. The primary mission of the PSC is to "...ensure safe, secure, and reliable access to electric, gas, steam, telecommunications, and water services for New York State's residential and business consumers, at just and reasonable rates." Verizon's request to permanently replace its full service, reliable and time tested landline infrastructure with an unreliable and, when all services components are considered (including data), a much more expensive solution is clearly not in the public interest.

Point O'Woods joins other Fire Island communities in urging the PSC to enforce the principles underlying the tariff obligations established when Verizon was granted its authority to operate. We believe that the temporary Voice-Link 'solution' does not meet the obligation of Verizon under its tariff grant to provide reliable, affordable communication services. Voice Link at its very best is a temporary solution suitable for deployment only while full communication infrastructure is in the process of restoration. Please exercise your mandate to protect the western Fire Island communities from Verizon's attempt to permanently force its more expensive and unreliable array of communication services on their Fire Island customers.

Sincere  
ly,



D.R. Brown, Vice  
President

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<http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={917B360A-20D5-4442-93C5-11A19BA067B4}>

INCORPORATED VILLAGE OF OCEAN BEACH  
RECEIVED  
P U H M S E

EXEC-FILESALBANY

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JAMES S. MALLOTT *Mayor*  
THOMAS J. NOLTER *Trustee*  
MATTHEW M. BLAKE, *Trustee*  
GREGORY J. PACE, *Trustee*  
DOUGLASS J. WYCKOFF, *Trustee*

STEVEN W. BRAUTIGAM, *Clerk/Treasurer*  
KEVIN J. SCHELLING, *Superintendent of Public Works*

June  
14,  
2013

NYS Dept. of Public  
Service  
3 Empire  
State Plaza  
Albany, NY  
12223-1350

Dear  
Friend  
s:

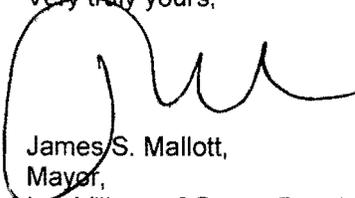
As the Mayor of the Inc. Village of Ocean Beach, I am writing to express our disappointment and frustration with the decision Verizon has made to change to Voice Link and not complete the repair of the copper-wired basic landline service which was destroyed by Superstorm Sandy. We are glad that Verizon will continue to provide the various government agencies with either the copper wire or fiber optic connection.

As an island of residents along with police and fire protection; we rely on good communication and need a secure system to depend on all year long. Many of our residents are also part of an aging population and there is concern regarding medical alerts and/or emergency situations. The landlines were not previously affected by the power outages.

I wish to concur with Saltaire that the concept to include all commercial establishments in the remaining copper-wired basic landline service should be extended. They are located either on the Bay or within a very close proximity and were hit severely in Superstorm Sandy.

Please call me should you have any questions.

Very truly yours,



James S. Mallott,  
Mayor,  
Inc. Village of Ocean Beach

cc:  
Cecilia  
King,  
Washin  
gton Post